FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order No.l06 of 2006

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Mr Thomas Almeida for appellant
Mr Anil Singh for respondent

CORAM; A.M.KHANWILKAR J.

DATED l7.2.2006

P.C.

. A preliminary objection is raised on behalf of the respondents about the maintainability of the appeal against the impugned decision dated l8.l0.2005,which only postpones passing of the appropriate order and no final order regarding rejection of the suit has been passed. There is substance in the preliminary objection taken on behalf of the respondents. The appellant may have some other remedy to question the correctness of

the view taken in the impugned decision regarding valuation, but certainly not by way of Appeal From Order. In this situation the learned counsel for the appellant prays for liberty to the appellant to take recourse to writ petition against the impugned decision. The learned counsel for the respondent has no objection if the appellant is given the liberty to take recourse by way of writ petition against the impugned decision,provided same will have to be decided on its own merits in accordance with law. Accordingly this appeal is dismissed as withdrawn with liberty to the appellant to take recourse to the remedy of writ petition, if so advised.